

Remarks

Applicants have amended claims 1 and 22-25 to further clarify the invention. Specifically, Applicants have specified that "the total alcohol content is no more than about 1% by weight of the composition" for the compositions as defined by these claims. Support for these amendments is found throughout the specification, including at least at page 2, lines 1-14; page 6, lines 8-9; page 22, lines 11-17, and Examples 10, 17, 27 and 31.

Applicants have amended claims 7 and 26 to recite specific chemical terms defining the structure of the following surfactants listed in original claims 7 and 26 and on pages 7 and 8 of the specification: Triton X-100, DEHYPOUND® HSC 5515, Witcolate LCP. Specifically, Triton X-100 is an octylphenol ethoxylate, DEHYPOUND® HSC 5515 is an alkyl polyglycoside, and Witcolate LCP is a sodium alkyl sulfate. Claims 7 and 26 have been further amended to specify that CS Surfactant comprises a mixture of quaternary amines (Q-14-2) and amine oxides (AO-14-2) and amphoteric surfactants (Amphoteric Land and Alkali Surfactant NM), as explained in the specification on page 8, lines 4-6. These amendments add no new matter as these surfactants are well known in the industry and product information data is readily available. Thus, a person of skill in the art would know the family of chemicals to which each surfactant belongs. Product data sheets for each of the above-mentioned surfactants are attached herewith as Exhibit A.

Applicants have added new claim 38. Support for this claim is found throughout the specification, including at least at page 22, lines 7-17, and Example 12.

The Rejection of Claims 7 and 36 under 35 U.S.C. § 112, Second Paragraph

Claims 7 and 26 are rejected under 35 U.S.C. § 112, Second Paragraph as allegedly being indefinite. Specifically, the Examiner states that the trademarks do not necessarily define a formula as the manufacturer may change the formula while still maintaining the trademark.

Solely to expedite prosecution, Applicants have amended claims 7 and 26 to recite chemical terms as suggested by the Examiner, thus obviating this rejection.

The Rejection of Claims 1-6, 8-20, 22-25, 27-31 and 33-37 Under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-4, 6, 8-10, 12-20, 22-24, 28-31, and 33-37 under 35 U.S.C. § 102(b) as allegedly being anticipated by Cable U.S. Patent No. 33-37 under 35 U.S.C. § 102(b) as allegedly being anticipated by Cable U.S. Patent No. 6,432,897 (hereinafter "Cable"), Choy et al. U.S. Patent No. 5,851,981 (hereinafter "Choy"), Masters U.S. Patent No. 5,362,422 (hereinafter "Masters"), Smith et al. U.S. Patent No. 4,673,523 (hereinafter "Smith") and Church et al. U.S. Patent No. 4,673,523 (hereinafter "Church"). The Examiner has rejected claims 5, 25, and 27 under 35 U.S.C. § 102(b) as allegedly being anticipated by Cable, Choy, and Masters. The Examiner has rejected claim 11 under 35 U.S.C. § 102(b) as allegedly being anticipated by Cable, Choy, Smith, or Church. The rejections are respectfully traversed.

Claims 1 and 22-25

Claims 1 and 22-25 are not anticipated by any of Cable, Choy, Masters, Smith, or Church at least because Applicants' invention as defined by claims 1 and 22-25 as amended requires that "the total alcohol content is no more than about 1% by weight of the composition." This aspect of Applicants' invention allows it to meet certain governmental regulations for low VOC fluids (see, e.g., page 2, lines 9-14 and page 22, lines 14-17). Because none of the references cited by the Examiner discloses a composition that both contains the surfactant, ammonia compound, and alcohol contents required by claims 1 and 22-25 and contains no more than about 1% total alcohol content, none of the references renders these claims invalid under 35 U.S.C. § 102. Applicants address each of these references below.

Cable

The Examiner states that Cable teaches composition containing 2.5% ethylene glycol monobutyl ether, and 0.05% diphenyl oxide disulfide surfactant, and 0.04998% ammonia.

Cable does not teach compositions with a total alcohol content of no more than about 1%. Rather, the compositions disclosed in Cable have a total alcohol content of at least 6.5% (see Table I in which each composition contains 4% isopropanol and 2.5%

ethylene glycol monobutyl ether). Nowhere does Cable disclose a composition that both contains the surfactant, ammonia compound, and alcohol contents required by claims 1 and 22-25 and that contains no more than about 1% total alcohol content.

Choy

The Examiner states that Choy teaches a composition in Table I containing 0.5% ammonia and 0.005% sodium lauryl sulfate surfactant. The Examiner further states that Choy teaches the use of various surfactants including alcohol ethoxylates in amounts ranging from 0.002-0.75%.

Choy does not teach compositions with a total alcohol content of no more than about 1%. The composition disclosed in Table I has a total alcohol content of at least 8.2% (5.9% isopropanol and 3.2% propyleneglycol t-butyl ether). Nowhere does Choy disclose a composition that both contains the surfactant, ammonia compound, and alcohol content required by claims 1 and 22-25 and that contains no more than about 1% total alcohol content.

Masters

The Examiner states that Masters teaches in Example I a composition containing glycol ethers, 0.4% ammonium hydroxide and surfactants. The Examiner further states that Masters teaches the use of glycol ethers and alcohols as solvents in amounts ranging from 1-10%.

Masters does not teach a composition with each and every limitation of Applicants claims. The compositions taught in Example I contain at least 6.4% alcohol (6.4% propylene glycol monobutyl ether in addition to 0.7% monoethanolamine in Formulas 1 and 4). The compositions of Formulas 1-6 taught in Example II contain at least 9% alcohol content (4% isopropanol, 3% propylene glycol monobutyl ether, and 2% acetic acid). The compositions of Formulas 7-9 taught in Example II contain at least 6.5% total alcohol content (5% propylene glycol monobutyl ether, 1% acetic acid, and alcoholic surfactants). The compositions taught in Example III contain at least 10% total alcohol content (isopropanol, propylene glycol monobutyl ether, acetic acid, and alcoholic

surfactants). Nowhere does Masters disclose a composition that both contains the surfactant, ammonia compound, and alcohol contents required by claims 1 and 22-25 and that contains no more than about 1% total alcohol content.

Smith

The Examiner states that Smith teaches in claims 1, 8, and 11 a composition containing an anionic surfactant, 0.05 - 0.75% triethanolamine, and 0.1-1% propylene glycol.

Smith does not teach compositions with a total alcohol content of no more than about 1%. The composition disclosed in claims 1, 8, and 11 have a total alcohol content of at least 5-25% (5-25% of C₁-C₄ alkanol). Nowhere does Smith disclose a composition that both contains the surfactant, ammonia compound, and alcohol contents required by claims 1 and 22-25 and that contains no more than about 1% total alcohol content.

Church

The Examiner states that Church teaches in Table XII a composition containing 0.16% 1-propanol, 0.1% ammonium hydroxide, and 0.018% surfactant.

Church does not teach a composition with a total alcohol content of no more than about 1%. The composition that the Examiner points to in Table XII has a total alcohol content of at least 6.2% (6.1% isopropanol and 0.16% 1-propanol). Nowhere does Church disclose a composition that both contains the surfactant, ammonia compound, and alcohol content required by claims 1 and 22-25 and that contains no more than about 1% total alcohol content.

Thus, for at least the reasons given above, claims 1 and 22-25 as amended are not anticipated by any of Cable, Choy, Masters, Smith, or Church and are allowable. In addition, claims 2-6 and 8-20 which depend from claim 1 are allowable for at least the reasons claim 1 is allowable. Further, claims 27-31 and 33-36 which depend from claims 1 and 22-25 are allowable for at least the reasons claims 1 and 22-25 are allowable.

Accordingly, Applicants respectfully request that the rejection of claims 1-6, 8-20, 22-25, 27-31 and 33-36 be withdrawn.

Claim 37

Claim 37 as amended is not anticipated by any of Cable, Choy, Masters, Smith, or Church because applicants' inventions as defined by claim 37 requires determining the rate of penetration and the removal effectiveness of a test composition in an organic soil. As explained in Applicants' specification, the rate of penetration measures the rate the composition penetrates an organic soil (see page 17, lines 7-11). Removal effectiveness is a function of the difference between the weights of the glass slip cover covered with organic soil before and after treatment with the test composition (page 14, lines 14-22). This aspect of Applicants' invention provides an objective way to evaluate the effectiveness of hard surface cleaners. Use of visual inspection alone, by contrast, is subjective and thus can lead to inconsistent results. Because none of the references cited by the Examiner discloses determining either the rate of penetration or the removal effectiveness, none of the references renders claim 37 invalid under 35 U.S.C. § 102.

Applicants address each of the references below.

Cable

The Examiner states that Cable teaches applying a composition to a control panel, wiping the panel, and visually checking the performance. The Examiner contends that any visual inspection results in broadly determining effectiveness and rate of penetration.

Contrary to the Examiner's contention, visual inspection does not determine the rate of penetration or the removal effectiveness. The Examiner does not explain how visual inspection can result in a determination of either of these measurements. At least because a test composition in organic soil is not visibly distinguishable against the soil, visual inspection alone cannot result in a determination of the rate of penetration of the composition into the soil.

Further, the only performance measurements determined in Cable are assessments of the foaming and streaking/filming by a panel of graders (column 9, lines 19-27). Nowhere does Cable disclose determining the rate of penetration or the removal effectiveness or methods by which they may be determined.

Choy

The Examiner states that Choy teaches applying the surfactant, removing the residue, and testing the performance.

The only performance measurements taught in Choy are assessments of the streaking/filming by a panel of graders (columns 10 – 12). Nowhere does Choy disclose determining the rate of penetration or the removal effectiveness or methods by which they may be determined.

Masters

The Examiner states that Masters teaches various methods of use including applying, wiping, and removal of cleaner and particulates.

Masters discloses using a Gardner Straight Line Washability Machine to measure the number of cleaning strokes necessary to achieve a certain level of soil removal from a soiled panel. The level of soil removal is apparently measured by weighing the sponge used to clean the panel. While this method may be used to measure the amount of soil transferred to the sponge, it cannot be used to measure the rate of penetration of the composition into the soil. Nowhere does Masters disclose determining the rate of penetration or a method by which it may be determined.

Smith

The Examiner states that Smith teaches applying, rubbing and removing the compositions and a visual inspection.

The only performance measurements taught in Smith are assessments of the streaking/filming by visual inspection. (column 8, lines 49-55; column 15-21). Nowhere does Smith disclose determining the rate of penetration or the removal effectiveness or methods by which they may be determined.

Church

The Examiner points to teachings in Church that describe measuring the "clouding" or "fogging" of a test composition by visual inspection. (Office Action, pages 5-6).

The only performance measurements taught in Church are assessments of the clouding or fogging by visual inspection. (column 8, lines 49-55; column 15-21). Nowhere does Church disclose determining the rate of penetration or the removal effectiveness or methods by which they may be determined.

Thus, for at least the reasons given above, claim 37 is not anticipated by any of Cable, Choy, Masters, Smith, or Church and is allowable. Accordingly, Applicants respectfully request that the rejection of claim 37 be withdrawn.

The Objection to Claim 21

Claim 21 has been objected to as being dependent upon a rejected base claim but allowable if rewritten in independent form including all the limitations of the base claim. Claim 21 depends from independent claim 1. For at least the reasons described above in the previous section, claim 1 is allowable. Thus, claim 21 is allowable for at least the reasons claim 1 is allowable. Accordingly, applicants respectfully request that the objection to claim 21 be withdrawn. Applicants hereby expressly reserve the right to rewrite claim 21 in independent form should claim 1 not ultimately be allowed.

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Conclusion

In view of the foregoing remarks, Applicants respectfully request reconsideration and early allowance of the pending claims in this application.

Respectfully submitted,

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